

REMARKS/ARGUMENTS

Claims 1-13, 15-24 and 26-30 now stand in the present application, claims 1-13, 15-24 and 26-27 having been amended, claims 14 and 25 having been canceled, and new claims 28-30 having been added. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has objected to a number of the claims for lacking antecedent basis terms and has rejected claims 1-7 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. As noted above, Applicants have amended all of the claims except for claims 14 and 25 which were canceled. The claim amendments are believed to deal with all of the Examiner's objections to the claims as well as to the rejection under § 112, second paragraph. Accordingly, in view of the claim amendments the Examiner's objections and rejections of the claims under 35 U.S.C. § 112, second paragraph, are believed to have been overcome.

The Examiner has also rejected claims 13-14 and 25 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. As noted above, Applicants have amended claim 13 to correct this deficiency pointed out by the Examiner and have canceled claims 14 and 25. In view of these claim amendments the Examiner's § 101 rejection of the claims is also believed to have been overcome.

The Examiner has rejected claims 1-27 under 35 U.S.C. § 103(a) as being unpatentable over Gupta et al. ("Gupta") in view of Rodgers. Applicants respectfully traverse the Examiner's § 103(a) rejections of the claims.

Gupta provides a user with a level of service which depends on the amount of data provided by that user. However, this is a purely quantitative measure, made by the server. Gupta does not teach or suggest applying ratings, supplied by the other users, to control the level of service offered, as required by the present claims. See independent claims 1, 15, and 27-30.

Rodgers does not solve this deficiency of Gupta. The portion of Rodgers cited by the Examiner discusses the identification (again by the server) of popular search requests, thereby allowing the server to offer these requests to future searchers. This not only helps searchers, who can re-use an existing search (or modify it if necessary) rather than having to formulate one anew, but may also speed up the search process itself as the server can reproduce the results of an earlier search. However, Applicants' invention differs from this in three respects:

- it is the data itself, not the search requests, which have values placed on them;
- these values are ratings (qualitative) not mere popularity (frequency of use - a quantitative measure)
- it is the users, not the server, who provide this rating data.

Applicants' disclosed and claimed invention, i.e., the changing of the level of service provided to a user, on the basis of peer review of the data provided by the users, is simply not taught or suggested by the cited references, taken individually or in combination.

Accordingly, it is respectfully submitted that the present claims define over Gupta and Rodgers taken singly or in combination.

Finally, in Applicants' related co-pending application 10/591,349 filed on August 31, 2006, the Examiner cited a second Gupta reference titled "A Frequent-Sharer Program for Peer-to-Peer Systems" (hereinafter "Gupta B"). Gupta B provides a "reputation score" for each user based on ratings supplied by the other users. As with the previously discussed cited art in this case, however, Gupta B does not teach or suggest controlling the access to data available to one user on the basis of input (ratings) provided by other users. While the inputs (rating) are disclosed as are the outputs (levels of service), there is no disclosure in Gupta B of the one controlling the other in any way.

Accordingly, it is respectfully submitted that the present claims define over Gupta B taken singly or in any combination with the cited art in this case.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-13, 15-24 and 26-30, now standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

FARR et al.
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Respectfully submitted,

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